

TOWNSHIP OF LOWER MERION

PARKS & RECREATION COMMITTEE

**WEDNESDAY, FEBRUARY 4, 2026
7:15 PM (Approximately)**

Chairperson: Michael Daly

Vice Chairperson: Charles Gregory, Shelby Sparrow

AGENDA

1. **APPROVAL OF WAIVER OF ENFORCEMENT OF TOWNSHIP CODE 111-4.2 REGULATING
OPEN CONTAINERS - 2026 BRYN MAWR TWILIGHT CONCERTS**



Township of Lower Merion
A FIRST CLASS TOWNSHIP

AGENDA ITEM INFORMATION

COMMITTEE: Parks & Recreation

ITEM: **APPROVAL OF WAIVER OF ENFORCEMENT OF TOWNSHIP CODE 111-4.2 REGULATING OPEN CONTAINERS - 2026 BRYN MAWR TWILIGHT CONCERTS**

Consider for recommendation to the Board of Commissioners approval of a waiver of Township Code §111-4.2 as requested by the Parks & Recreation Department and Rising Sun Presents to permit patrons to possess open containers with alcoholic beverages and serve alcoholic beverages in public rights-of-way within a regulated area at the Bryn Mawr Gazebo, 9 S. Bryn Mawr Avenue Bryn Mawr during the 2026 Bryn Mawr Twilight Concerts (BMTTC).

PUBLIC COMMENT

ATTACHMENT(S):

[Issue Brief - Alcohol Wavier for BMTTC 01-30-2026.docx](#)

TOWNSHIP OF LOWER MERION
Parks & Recreation Committee

Issue Briefing

Topic: Open Container Waiver - 2026 Bryn Mawr Twilight Concerts

Prepared By: Donna Heller, Director of Parks & Recreation

Date: January 30, 2026

- I. Action To Be Considered By The Board:** Approve a waiver of Township Code §111-4.2 as requested by the Parks & Recreation Department (P&R) and Rising Sun Presents (RSP) to permit patrons to possess open containers with alcoholic beverages and serve alcoholic beverages in public rights-of-way within a regulated area at the Bryn Mawr Gazebo, 9 S. Bryn Mawr Avenue Bryn Mawr during the 2026 Bryn Mawr Twilight Concerts (BMTC).
- II. Why This Issue Requires Board Consideration:** The Board of Commissioners must approve waivers of the Township Code. This event requires a waiver of Township Code § 111-4.2 to serve and consume alcohol in public right-of-way and to possess open containers in a public place.
- III. Current Policy Or Practice (If Applicable):** Current policy prohibits the consumption of alcohol in open containers in a public place. Current policy also requires approval from the Board of Commissioners to serve and consume alcohol in public right-of-way. This code provision has been waived for special events in Ardmore and other commercial districts in the Township.
- IV. Other Relevant Background Information:** The BMTC is a 2026 Concert Series consisting of separate live concerts by music performers on the grounds of the Bryn Mawr Gazebo, 9 S. Bryn Mawr Avenue Bryn Mawr, during the months of May, June, July and August on dates agreed upon by the Township. RSP is a consultant that is engaged in the production of live music programs for public audiences and is experienced in producing such programs for municipal organizations.

The BMTC has been operating since 2007. This has been a financially self-sustaining program which has obtained community sponsors and collect admittance fees which fully fund it operation.

RSP, the producer of BMTC for Lower Merion Township has requested approval to be allowed to sell beer and wine at the 2026 BMTC series to provide the service to the patrons as well as add an additional revenue source to the program's escrow account. Sales would be handled through Ardmore Music Hall (AMH), an associated company with a Montgomery County liquor license in good standing. AMH has operated bar services for numerous community outdoor events including Ardmore Rock N Ride,

Ardmore Beer Fest, Upper Merion Concerts Under the Stars (UM), and Wayne Music Festival. AMH was approved in 2023 through 2025 to sell beer and wine for the BMTC series, at 1 stationary bar, with no complaints from patrons or neighbors and no health or safety issue. The sales would be limited to beer and wine. Pricing would be comparable to the prices at AMH and UM concert series. Sales would be from a single location on the site and limited to only those attending the concerts. Attendees would be allowed to continue bringing coolers of outside food & drink.

RSP agrees to:

- Abide by all applicable federal, state and Township laws, regulations, and ordinances, and agrees to assume liability for any violations of such laws, regulations, and ordinances by RSP or RSP's contractors, licensees, agents, employees, volunteers or invitees.
- Have a liquor liability insurance policy that includes off-premises locations/services, with a minimum limit of Two Million Dollars (\$2,000,000.00) that shall cover RSP, AMH and LMT.
- Provide proof of insurance least two weeks prior to the first concert of the series.
- Check identification cards for proof of legal drinking age.
- Wristband those of legal drinking age prior to being allowed to purchase.
- Sell only to individuals of legal drinking age with wristbands.
- Provide RAMP-certified security to help ensure that those who drink are of legal age through use of wristbands
- Refrain from serving individuals who appear to be intoxicated.
- Have staff sweep the gazebo & park grounds, picking up and disposing of any litter
- Contribute 30% of net proceeds (after cost of goods purchased, server(s), and additional security) to the Township's BMTC escrow fund for the series.

V. Impact On Township Finances: RSP will contribute 30% of net proceeds (after cost of goods purchased, server(s), and additional security) to the Township's BMTC escrow fund which fully funds the concert series.

VI. Staff Recommendation: Staff recommends that the alcohol waiver be approved as requested subject to the beverage vendor providing the required insurance certificate documenting adequate coverage as required by the Township.